

GR 00 P 12246

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applic. No. : 09/883,817 Confirmation No. 2567
Applicant : Jens Barrenscheen, et al.
Filed : June 18, 2001
Title : Method Of Transmitting Data Between
 Devices Connected Via A Bus, And Device
 For Connection To Other Devices Via A
 Bus
Group Art Unit : 2111
Examiner : Clifford H. Knoll

Docket No. : GR 00 P 12246
Customer No. : 24131

REPLY BRIEF

Mail Stop Appeal Brief - Patents

Hon. Commissioner for Patents
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Alexandria, VA 22313-1450

S i r :

This is a *Reply Brief* responding to the *Examiner's*
Answer mailed March 5, 2009.

Remarks:

Appellants re-allege, and incorporate herein by reference, all of the arguments made in Appellants' previously filed Briefs on Appeal, including the Third Supplemental Brief on Appeal, filed on October 22, 2008.

Further, Appellants comment as follows with respect to the Examiner's Answer dated August 30, 2006:

In item (10) of the Examiner's Answer, pages 7 - 8, the Examiner stated, in part:

Regarding claim 1, Appellant argues that Deng does not disclose "transmission of such 'units' or frames having a period defined by the frame sent by a first device within which second devices to which the data does not concern and third devices to which the data does concern" and that receivers "intended to receive" and "not intended" to receive" output information "during a period of the frame sent by the sender" (p. 12, emphasis original).

However, nowhere in the claims are "frames" recited. Specifically, claim 1 recites, "forming the units at least partly with at least one region defining a given time slot within which the second and third devices can output onto the bus specific information

and/or data" (claim 1). [emphasis in the original]

Appellants respectfully disagree with the Examiner's allegation that "**nowhere** in the claims are 'frames' recited". First, Appellants' claims 8 and 31 recite, among other limitations:

wherein the units for transmitting the data and the information concerning the transmission or the use of the data **are frames**. [emphasis added by Appellants]

As such, there are claims in this appeal that recite "frames".

Further, the point of Appellants' argument relates to the use in claims 1, 24, 93 and 94 of the term "**units**" (i.e., "Deng does not disclose "transmission of such '**units**' or frames having a period defined by the frame"). Page 16 of the instant application, lines 1 - 8, discuss the claimed "**units**" as follows:

The aforesaid units in which the data to be transmitted is transmitted together with information that is required or useful for the transmission and/or the use of the data and/or further information, **are, for example, the**

frames or messages which are known from already existing bus systems. However, the frames or messages which are used in the method in question here have a structure different from conventional frames or messages.

An example of the structure of a frame or a message which is used in the method in question here is illustrated in Fig. 2.
[emphasis added by Appellants]

Fig. 2 of the instant application is reproduced herebelow, for convenience.

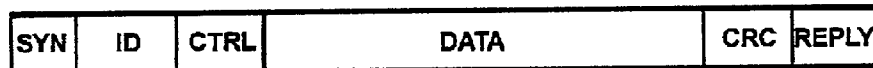


FIG 2

As such, it can be seen from the foregoing, that the "units" of Appellants' claims, are Appellants' particularly structured frames or messages, as shown in Fig. 2 of the instant application. Further, contrary to the statement made in item (10) of the Examiner's Answer, Appellants' claims recite, among other limitations, "transmitting, in units, data and information...". As can be seen, the "units" (i.e., "for example, the frames or messages") of Appellants

claims **are of a defined format**, such as the format shown in Fig. 2 of the instant application, which format includes **data and information**, as required by Appellants' claims.

The frame-like/message-like **structure** of Appellants' claimed "**units**", is also emphasized by the further language of Appellants' claim 1, which recites, among other limitations:

forming the units at least partly with at least one region defining a given time slot within which the second and third devices can output onto the bus specific information and/or data; [emphasis added by Appellants]

Appellants' independent claims 24, 93 and 94 recite similar limitations, among other limitations.

Like frames and messages, Appellants' independent claims 1, 24, 93 and 94 require the claimed units to have a particularly defined structure that include dedicated regions. Appellants' independent claims 1, 24, 93 and 94 further defines the structure of the claimed "units" as requiring, among other things, a

particular region defining a given time slot within which the second and third devices can output onto the bus specific information and/or data.

As such, Appellants' claims make it clear that the claimed "units" are structured *like* messages or frames including regions. Appellants' particularly claimed "units" are not taught or suggested by the **DENG** and **LEVY** references.

More particularly, page 9 of the Examiner's reply, lines 1 - 5 emphasize and reiterate the Examiner's reliance on "Deng's 'subaction gap' to anticipate the claims, not on the 'ack-gap'". Thus, in rejecting Appellants' independent claims, the Office Actions analogized the "**sub-action gap**" of **DENG** (i.e., and not the 'ack-gap' of **DENG**), to Appellants "**units**" formed to include at least "**one region**" defining a given time slot within which the second and third devices can output onto the bus specific information and/or data.

Appellants respectfully disagree with the allegation that the **DENG** reference, and more particularly, the subaction gap of the **DENG** reference, teaches or suggests all limitations of Appellants' particularly claimed "units".

In particular, the "subaction gap" of **DENG** is not a region included in the structure of a unit of **DENG**, as required by Appellants' claims (i.e., "forming the units at least partly with at least one region . . ."). The unambiguous language of Appellants' claims make it clear that the claimed "region" is a part of the claimed "unit" (i.e., a dedicated field of the claimed "unit"). This can also be seen from the specification of the instant application, for example, on page 16 of the instant application, lines 13 - 16, which state:

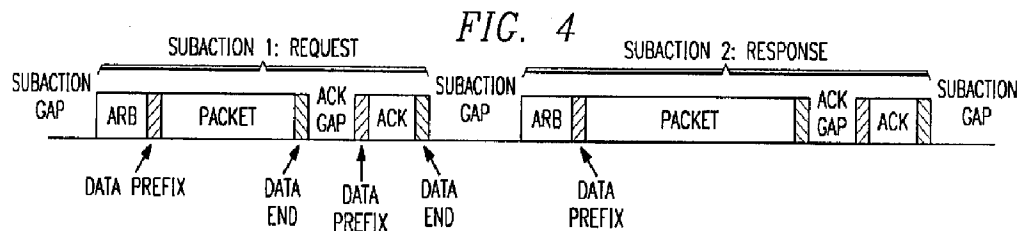
This frame or this message comprises a synchronization field SYN, an identifier field ID, a control field CTRL, a data field DATA, an error detection field CRC, and a reply field REPLY. [emphasis added by Appellants]

The "sub-action gap" of DENG is not formed as a region of any particular "unit" of DENG, as required by Appellants' claims. See, for example, Fig. 4 of DENG showing the subaction gap of DENG being outside of, and not a region of, the defined subactions of DENG (i.e., the bracketed Subaction 1 and Subaction 2 of Fig. 4 of DENG). However, contrary to this clear teaching of DENG, the Examiner stated, on page 9 of the Examiner's Answer, in part:

It is the Examiner's determination that the subaction gap is a region of the units formed. Although Appellant attempts to distinguish these regions as "periods of idle bus" as Deng refers to them, Examiner determines that they are necessarily periods of idle time since this region is formed specifically to allow other devices other than the first (transmitting) device to themselves transmit.

Appellant further relies on the placement of brackets used in rendering a Figure: "Note in Fig. 4 of DENG the brackets delimiting subaction 1 from subaction 2, do not include the subaction gap" (p. 14); however Examiner contends that the bracket delimits a "request" subaction that is one of the regions, while at least the "subaction gap" and perhaps the "response" subaction are other regions of the unit formed (the Examiner relies only on subaction 1 and the subaction gap regions). There is no support in the claims that would distinguish from this interpretation for the recited formed "units".

Appellants respectfully disagree with the Examiner's interpretation of the sub-action gap of **DENG**. Fig. 4 of **DENG**, which include the **brackets** defining the subactions of **DENG**, is being reproduced herebelow, for convenience.



It is important to note that Fig. 4 of **DENG** clearly shows that the subaction gap of **DENG** is not part of the "units" of DENG (i.e., **DENG** states, in col. 4, lines 51 - 52, "One link layer transfer is called a 'subaction'").

Appellants maintain that, if the the subaction gap was a **region** of the units of **DENG**, as alleged by the Examiner, the subaction gap of **DENG** would be shown as being part of one of the units of **DENG**, and therefore, would have been included under one of the

sets of brackets over Subaction 1 or Subaction 2, as appropriate. That the subaction gaps of Fig. 4 of DENG are not included under the brackets of Fig. 4 of DENG, indicates that they are not regions of the subactions (i.e., "units") of DENG. This is further supported by the specification of DENG, which states in col. 6 of DENG, lines 44 - 46:

Each of these asynchronous subactions is separated by periods of idle bus called "subaction gaps." This gap is disposed between the packet transmission and acknowledgment reception. [emphasis added by Appellants]

A gap "disposed between" packets is not the same as forming units with "at least one region" defining a given time slot for reply by second and third devices, as required by Appellants' claims. DENG makes clear that the subaction gaps are disposed between, and not, part of, the transmitted packets. As such, the subaction gaps of DENG does not teach or suggest, forming the units at least partly with at least one region defining a given time slot within which the second and third devices can output onto

the bus specific information and/or data, as required by Appellants' claims.

Further, pages 11 - 12 of the Examiner's Answer state, in part:

Regarding claims 24, 93 and 94, Appellant argues that Deng does not disclose "'units' sent by a first device including predefined time periods in the unit/frame during which both devices for which the message concerns / is intended and devices for which the message does not concern / is not intended output information" (pp. 20-21); however, as treated supra, Deng teaches these time periods ("subaction gaps").

As discussed above, Appellants have shown that the **subaction gap of DENG** is not a **region formed in the units of DENG**, as required by all of Applicants' claims (including independent claims 1, 24, 93 and 94), and that **DENG** does not teach or suggest this limitation of Appellants' claims, among others. Appellants incorporate herein the further arguments and remarks distinguishing Appellants' claims from **DENG**, as set forth in the Second Substitute Brief on Appeal, filed in connection with the instant Appeal.

Based on the above given arguments the honorable Board is therefore respectfully urged to reverse the final rejection of the Primary Examiner.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

Respectfully submitted,

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For Appellants

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